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17 **Attorneys for Defendant Apple, Inc.**

18
 19 **UNITED STATES DISTRICT COURT**
 20 **NORTHERN DISTRICT OF CALIFORNIA**
 21 **OAKLAND DIVISION**

22 EPIC GAMES, INC.,

23 Plaintiff,

24 vs.

25 APPLE INC.,

26 Defendant.

27 No. 3:20-CV-05640-YGR

28 **JOINT SUBMISSION OF SCHEDULE 2
 TO APPLE DEVELOPER PROGRAM
 LICENSE AGREEMENT**

Date: August 24, 2020, 3:00 p.m.

Courtroom: 1, 4th Floor

Judge: Hon. Yvonne Gonzalez Rogers

The Parties in the above-captioned matter jointly submit Schedule 2 to the Apple Developer Program License Agreement between Epic Games, Inc. and Apple Inc., attached hereto.¹

Section 3.4 of Schedule 2 provides for Apple's commission with respect to the sales of "Licensed Applications", which Section 1.1.(c) defines to include "any content, functionality, extensions, stickers, or services offered in the software application."

DATED: August 24, 2020

GIBSON, DUNN & CRUTCHER LLP

By: /s/ Richard J. Doren
Richard J. Doren

Attorneys for Defendant Apple Inc.

DATED: August 24, 2020

CRAVATH, SWAINE & MOORE LLP

By: /s/ Katherine B. Forrest
Katherine B. Forrest

Attorneys for Epic Games, Inc.

¹ Both parties submitted a true and correct copy of the Apple Developer Program License Agreement between Epic Games, Inc. and Apple Inc. (Schiller Decl., Ex. B; Byars Decl. Ex. I.)

DECLARATION REGARDING CONCURRENCE

I, Katherine B. Forrest, am the ECF user whose identification and password are being used to file this JOINT SUBMISSION OF SCHEDULE 2 TO APPLE DEVELOPER PROGRAM LICENSE AGREEMENT. In compliance with Civil Local Rule 5-1(i)(3), I hereby attest that all of the signatories listed above have concurred in this filing.

DATED: August 24, 2020

CRAVATH, SWAINE & MOORE LLP

/s/ Katherine B. Forrest
Katherine B. Forrest